

RUBIN CRAIN, IV,

Plaintiff,

v.

**CESAR AUGUSTO MENCHACA, and
PARKLAND HEALTH & HOSPITAL
SYSTEM,**

Defendants.

Civil Action No. **3:12-CV-4063-L**

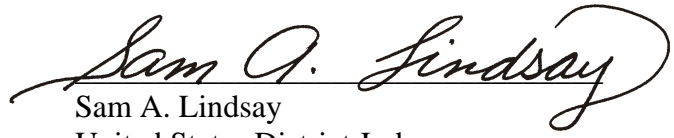
This case was referred for screening to Magistrate Judge Paul D. Stickney, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on December 20, 2012, recommending that (1) Plaintiff’s claims against Defendant Cesar Menchaca be served and that process be issued as to this Defendant; and (2) Plaintiff’s claims against remaining Defendants, Parkland Health and Hospital System’s (“Parkland Hospital”) nurses Ms. Treani and Mr. Jerry; and Dallas County Jail Officers Ms. Lacy and John Doe, be dismissed pursuant to 28 U.S.C. § 1915(e)(2).

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be dismissed pursuant to 28 U.S.C. § 1915(e)(2). In a February 13, 2013 submission, Plaintiff indicates that he has no objections to the Supplemental Report.

Accordingly, after reviewing the pleadings, record in this case, applicable law, the court determines that the magistrate judge's findings and conclusions as to Defendant Cesar Menchaca (Doc. 8) and the magistrate judge's supplemental findings and conclusions (Doc. 22) are correct, and **accepts** them as those of the court. The court therefore **dismisses with prejudice** all of Plaintiff's claims, except for those against Cesar Menchaca and Parkland Hospital. Accordingly, the court **directs** the clerk to add Parkland Health and Hospital System as a Defendant and **issue** process as to it. Further, to the extent the magistrate judge's findings and conclusions in the original Report differ from those in the Supplemental Report, the Supplemental Report controls. The court's order issued February 21, 2013, is hereby **vacated**.

It is so ordered this 22 day of February, 2013.


Sam A. Lindsay
United States District Judge